



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

VIA FEDERAL EXPRESS

November 27, 2013

EPA CERCLA Section 104(e) Request for Information

Bret A. Stone, Esq.
For Angeles Chemical Co., Inc.
Paladin Law Group LLP
21 E. Carrillo Street
Santa Barbara, CA 93101

Re: Supplemental 104 (e) Request for Information Related to Omega Chemical Corporation Superfund Site; Angeles Chemical Co., Inc. facility, 8915 Sorensen Avenue, Santa Fe Springs, CA

Dear Mr. Stone:

As you may be aware, the U.S. Environmental Protection Agency ("EPA") is spending public funds to investigate and respond to the release of hazardous substances into soil and groundwater at the Omega Chemical Corporation Superfund Site ("Site") in Los Angeles County, California. As part of its ongoing investigation of the Site, EPA is seeking to determine the nature and extent of contamination at the Site, to assess the effects of contamination on the environment and public health, and to identify activities and parties that have or may have contributed to contamination at the Site.

We have received and reviewed Angeles Chemical Co., Inc.'s ("Angeles") July 29, 2013, August 1, 2013 and August 29, 2013 responses relating to 8915 Sorensen Avenue. We appreciate Angeles's responses to EPA's May 29, 2013 Request for Information, and the information provided therewith. Based on our review of Angeles's responses, and our further investigation of the Site, we believe Angeles may have additional information that may assist EPA in its investigation of the Site. Consequently, we are hereby requesting the following additional information from Angeles.

1. State the full legal name, address, telephone number, position(s) held by, and tenure of, the individual(s) answering any of these questions on behalf of Angeles concerning the matters herein.

2. Provide a copy of the company's federal income tax return (IRS Form 1120 or 1120S) for the years 2007-2012, as filed with the Internal Revenue Service, signed and complete with all schedules and attachments, including all Schedule K-1 for S-Corporations. If any 2007-2012 tax return was amended or audited, please provide complete copies of the amended return in addition to the original return.
3. With respect to Question 2(e) in your August 29, 2013 104(e) response, you state that Great American has denied coverage based on exhaustion of funds. Provide information which explains this denial of coverage and exhaustion of funds, including information regarding claims submitted by Angeles prior to May 12, 2012 and the outcome. Provide a description and the amounts of all insurance proceeds paid to Angeles, and provide information as to how the insurance proceeds have been spent or are planned to be used.
4. With respect to Question 2 of your August 29, 2013 104(e) response, state whether you have now provided all of the information requested. Please note that the list of insurance policies to be provided is not limited to those that are still in existence, or which have not yet been exhausted. In addition, your response should include a description of the insured's efforts to file any claims relating to soil and/or groundwater contamination at the Property, under each policy, as well as the outcome of such efforts. To the extent that any additional information is available, provide it.
5. With respect to Question 3 in your August 29, 2013 104(e) response, you state that Angeles received two installments in connection with the McKesson Settlement Agreement totaling approximately \$3.65 million. Regarding the remaining settlement proceeds, state which individuals and/or entities were recipients, the amount(s) allocated, and provide information as to how the settlement proceeds have been spent or are planned to be used.
6. With respect to the January 31, 2001 Agreement entered between Greve Financial Services, Inc. and Angeles provided with your August 29, 2013 104(e) response, state whether Angeles received proceeds from Greve Financial Services, Inc.'s sale of the Property pursuant to the conditions set forth in paragraph 8. If the answer is "yes," provide the amount(s) and date(s) of payment, and describe how the proceeds have been spent or are planned to be used.

EPA has the authority to request this information pursuant to Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. Section 9604(e). Please note that failure to respond fully and truthfully to this request may result in civil actions and penalties.

Please refer to our May 29, 2013 Request for Information (enclosed) for instructions with respect to your response, including instructions as to the assertion of a business confidentiality claim and the determination of the scope of our request. Those instructions continue to apply and are hereby incorporated into this Supplemental Request for Information. Please provide your response, in writing, within **fifteen (15) calendar days** of your receipt of this letter; we will consider this letter to have been received by you seven calendar days after its date. Your response should be directed to:

Keith Olinger, SFD-7-5
U.S. Environmental Protection Agency, Region IX
Superfund Division
75 Hawthorne Street
San Francisco, California 94105

If you have questions regarding this Information Request, please contact Steve Berninger, Assistant Regional Counsel, at (415) 972-3909, or Keith Olinger, Enforcement Officer, at (415) 972-3125. If you have questions about the history of the Site, the nature of the environmental conditions at the Site, or the status of cleanup activities, please contact Lynda Deschambault at (415) 947-4183.

We appreciate and look forward to your prompt response to this Information Request.

Sincerely,

A handwritten signature in cursive script that reads "Kathi Moore".

Kathi Moore, Manager
Case Development/Cost Recovery Section
Site Cleanup Branch
Superfund Division

Enclosure:

- May 29, 2013 Request for Information

cc: Steve Berninger, EPA
Lynda Deschambault, EPA
Keith Olinger, EPA



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

Via FedEx and Email

May 29, 2013

EPA CERCLA Section 104(e) Request for Information

Bret A. Stone, Esq.
For Angeles Chemical Co., Inc.
Paladin Law Group LLP
21 E. Carrillo Street
Santa Barbara, CA 93101

Re: 104 (e) Request for Information – Omega Superfund Site
Angeles Chemical Co., Inc. Facility, 8915 Sorensen Avenue, Santa Fe Springs, CA

Dear Mr. Stone:

The United States Environmental Protection Agency (“EPA”) is spending public funds to investigate and respond to the release or threatened release of hazardous substances into the soil and groundwater at the Omega Chemical Corporation Superfund Site (the “Site”). The Site includes the former location of a used solvent and refrigerant recycling, reformulation, and treatment facility (“Omega Chemical”) located at 12504 and 12512 Whittier Blvd. in Whittier, California. The term “Site”, as used herein, refers to both the former Omega Chemical property and the areal extent (i.e., plume) of contaminated groundwater emanating from the Omega Chemical property.

In order to facilitate cleanup of hazardous substances at the Site, EPA divided the Site into three operable units (“OUs”): OU-1, OU-2 and OU-3. OU-1 is the former Omega facility and immediate vicinity. OU-2 is the extent of contamination in groundwater that originated from the former Omega facility and now extends more than four miles downgradient of OU-1. The contamination in groundwater has commingled with chemicals released at other source areas. OU-3 refers to indoor air contamination from the Omega Site that has occurred in several buildings near the Omega Chemical property.

Groundwater investigations to date suggest that operations at various facilities in the area, in addition to the former Omega Chemical facility, have contributed to groundwater contamination through the use of volatile organic compounds (“VOCs”), including perchloroethylene (“PCE”), trichloroethylene (“TCE”), Freons 11 and 113, and other contaminants.

As part of its ongoing investigation of the Site, EPA is seeking to determine the nature and extent of contamination at the Site, to assess the effects of contamination on the environment and public health, and to identify activities and parties that have or may have contributed to contamination at the Site. EPA believes that you may have information that may assist EPA in its investigation.

We request that you provide a complete and truthful written response to this Information Request and questions in Enclosure B **within thirty (30) calendar days** of your receipt of this letter. Instructions on how to respond to the questions are described in Enclosure A. Please return your written response to:

Keith Olinger, SFD-7-5
U.S. Environmental Protection Agency, Region IX
Superfund Division
75 Hawthorne Street
San Francisco, California 94105

Under Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. §9604(e), EPA has broad information-gathering authority which allows EPA to require persons to furnish information or documents relating to:

- (a) The identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility;
- (b) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility; and
- (c) Information relating to the ability of a person to pay for or perform a cleanup.

Please note that your compliance with this Information Request is mandatory. Failure to respond fully and truthfully may result in an enforcement action by EPA pursuant to Section 104(e)(5) of CERCLA, 42 U.S.C. §9604(e)(5). This statutory provision authorizes EPA to seek the imposition of penalties of up to \$37,500 per day of noncompliance. Please be further advised that provision of false, fictitious or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. §1001. The information you provide may be used by EPA in administrative, civil or criminal proceedings.

Some of the information EPA is requesting may be considered by you to be confidential business information ("CBI"), as described in Title 40 of the Code of Federal Regulations, Subchapter A, Part 2, Subpart B (40 C.F.R., §2.201, *et seq.*). Please be aware that you may not withhold the information upon that basis. If you wish EPA to treat the information confidentially, you must advise EPA of that fact by following the procedures outlined in Enclosure A, including the requirement for supporting your claim for confidentiality. Please be aware that EPA will maintain information consistent with the Privacy Act of 1974, 5 U.S.C. §552a, as amended.

This request for information is not subject to review by the Office of Management and Budget ("OMB") under the Paperwork Reduction Act because it is not an "information collection request" within the meaning of 44 U.S.C. §§3502(3), 3507, 3512, and 3518(c)(1). See also 5 C.F.R. §§1320.3(c), 1320.4, and 1320.6(a). Furthermore, it is exempt from OMB review under the Paperwork Reduction Act because it is directed to fewer than ten persons. 44 U.S.C. §3502(4), (11); 5 C.F.R. §§1320.4 and 1320.6(a).

Your response should include the appropriate name, address, and telephone number of the person to whom EPA should direct future correspondence in regard to this matter on behalf of your company.

If you have questions regarding this Information Request, please contact Steve Berninger, Assistant Regional Counsel, at (415) 972-3909, or Keith Olinger, Enforcement Officer, at (415) 972-3125. If you have questions about the history of the Site, the nature of the environmental conditions at the Site, or the status of cleanup activities, please contact Lynda Deschambault at (415) 947-4183.

We appreciate and look forward to your prompt response to this Information Request.

Sincerely,

A handwritten signature in cursive script that reads "Kathi Moore".

Kathi Moore, Manager
Case Development/Cost Recovery Section
Site Cleanup Branch
Superfund Division

Enclosures (2)

cc: Steve Berninger, EPA
Lynda Deschambault, EPA
Keith Olinger, EPA

ENCLOSURE A: INSTRUCTIONS AND DEFINITIONS

Instructions:

1. Answer Each Question Completely. A separate response must be made to each of the questions set forth in this Information Request. For each question contained in this letter, if information responsive to this Information Request is not in your possession, custody, or control, please identify the person(s) from whom such information may be obtained. For the definition of “you” and other terms, please see the Definitions section below.
2. Number Each Answer. When answering the questions in Enclosure B, please precede each answer with the corresponding number of the question and subpart to which it responds.
3. Number Each Document. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the question to which it corresponds.
4. Provide the Best Information Available. Provide responses to the best of Respondent's ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to the Respondent will be considered non-compliance with this Information Request.
5. Identify Sources of Answer. For each question, identify all the persons and documents that you relied on in producing your answer.
6. Continuing Obligation to Provide/Correct Information. If additional information or documents responsive to this Request become known or available to you after you respond to this Request, EPA hereby requests pursuant to CERCLA Section 104(e) that you supplement your response to EPA.
7. Scope of Request. The scope of this request includes all information and documents independently developed or obtained by research on the part of your company, its attorneys, consultants or any of their agents, consultants or employees.
8. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§9604(e)(7)(E) and (F), and Section 3007(b) of RCRA, 42 U.S.C. §6927(b), and 40 C.F.R. §2.203(b). If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim confidential, you must separately address the following points:

- a. clearly identify the portions of the information alleged to be entitled to confidential treatment;
 - b. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
 - c. measures taken by you to guard against the undesired disclosure of the information to others;
 - d. the extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
 - e. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
 - f. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.
 - g. To make a confidentiality claim, please stamp, or type, "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise nonconfidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all nonconfidential information, including any redacted versions of documents are in one envelope and all materials for which you desire confidential treatment are in another envelope.
 - h. All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by CERCLA Section 104(e). If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.
9. Disclosure to EPA's Authorized Representatives. Information which you submit in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, pursuant to 40 C.F.R. 2.310(h), even if you assert that all or part of it is confidential business information. The authorized representatives of EPA to which EPA may disclose information contained in your response are as follows:

Department of Toxic Substances Control/
California Environmental Protection Agency

ENCLOSURE A

Toeroek Associates, Inc.
EPA Contract Number EP-BPA-11-W-001

Science Applications International Corporation
EPA Contract Number EP-BPA-11-W-001

CH2M Hill, Inc.
EPA RAC Contract Number EP-S9-08-04

Toeroek Herndon Joint Venture
EPA Contract Number EP-R9-12-02

ITSI, Inc.
EPA RAC Contract Number EP-S9-08-03

Techlaw
EPA ROC Contract Number EP-W-07-066

Any subsequent additions or changes in EPA contractors who may have access to your response to this Information Request will be published in the Federal Register.

This information may be made available to these authorized representatives of EPA for any of the following reasons: to assist with document handling, inventory, and indexing; to assist with document review and analysis for verification of completeness; or to provide expert technical review of the contents of the response. Pursuant to 40 C.F.R. §2.310(h), you may submit comments on EPA's disclosure of any confidential information contained in your response by EPA to its authorized representatives along with the response itself, within the thirty (30) calendar day period in which the response is due.

10. Objections to Questions. If you have objections to some or all of the questions contained in the Information Request letter, you are still required to respond to each of the questions.

Definitions:

1. The term “you” or “Respondent” should be interpreted to include the addressee of this Information Request, and its officers, managers, employees, contractors, trustees, successors, assigns and agents.
2. The term “person” shall include any individual, firm, unincorporated association, partnership, corporation, trust, joint venture, or other entity.
3. The term “waste” or “wastes” shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, and pollutants or contaminants, whether solid, liquid, or sludge.
4. The term “hazardous waste” shall have the same definition as that contained in Section 1004(5) of RCRA.

5. The term “hazardous substance” shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
6. The term “release” has the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment, including the abandonment or discharging of barrels, containers and other closed receptacles containing any hazardous substance or pollutant or contaminant.
7. The term “pollutant or contaminant” shall have the same definition as that contained in Section 101(33) of CERCLA and include any mixtures of such pollutants and contaminants with any other substance including petroleum products.
8. The term “materials” shall mean all substances that have been generated, treated, stored, or disposed of or otherwise handled at or transported to the Site including, but not limited to, all hazardous substances, pollutants or contaminants.
9. The term “document” includes any written, recorded, computer generated or visually or aurally reproduced material of any kind in any medium in your possession, custody, or control or known by you to exist, including originals, all prior drafts, and all non-identical copies.

ENCLOSURE B: QUESTIONS (INFORMATION REQUEST)

Note: The term Property refers to the property located at 8915 Sorensen Avenue, Santa Fe Springs, California.

1. State the full legal name, address, telephone number, positions(s) held by, and tenure of, the individual(s) answering any of these questions on behalf of Angeles Chemical Co., Inc. concerning the matters set forth herein.
2. Identify and provide copies of all property, pollution, casualty, environmental and/or liability insurance policies, and any other insurance contracts referencing the Property or facilities located at the Property, held by Angeles Chemical Co., Inc. from the time Angeles Chemical Co., Inc. began operations at, or assumed ownership of (whichever occurred earlier), the Property until the present. In identifying such policies, state:
 - a. The name and address of each insurer and of the insured;
 - b. The type of policy and policy numbers;
 - c. The effective dates for each policy;
 - d. The per occurrence policy limits of each policy;
 - e. A description of the insured's efforts to file any claims relating to soil and/or groundwater contamination at the Property, under each policy, as well as the outcome of such efforts; and
 - f. Identify all insurance brokers or agents who placed insurance for you at any time during the investigation period you identify above. Identify by name and title, if known, individuals at the agency or brokerage most familiar with your property, pollution and/or liability insurance program and the current whereabouts of each individual, if known.
3. EPA information indicates that in the matter of Angeles Chemical Co., Inc., et al. v. McKesson Corp., et. al. a \$4.55 million settlement was agreed to between the parties, including Angeles Chemical Co., Inc., as set forth in a Settlement Agreement effective January 5, 2010. State the amount Angeles Chemical Co., Inc. received from the allocation of settlement proceeds and provide information as to how the settlement proceeds have been spent or plan to be used.
4. Provide an estimate of Angeles Chemical Co., Inc.'s current and recent annual revenues for the past five years. Provide documentation evidencing such revenues.
5. Provide an estimate of Angeles Chemical Co., Inc.'s current assets. Provide documentation evidencing such assets.

6. Describe any agreement, whether written or verbal, to which Angeles Chemical Co., Inc. is a party concerning the environmental conditions, cleanup or remediation of the Property. Include a description of any ongoing obligations related to the Property. As part of your response, describe each part of the agreement not in writing; provide the name, address and telephone number of each person agreeing to that provision; and provide the date that part of the agreement was made. Provide any documents evidencing such an agreement.



June 7, 2013

Dear Customer:

The following is the proof-of-delivery for tracking number **546221780360**.

Delivery Information:

Status:	Delivered	Delivered to:	Receptionist/Front Desk
Signed for by:	C.MEDINA	Delivery location:	SANTA BARBARA, CA
Service type:	FedEx Priority Overnight	Delivery date:	May 30, 2013 10:33
Special Handling:	Deliver Weekday		
	Direct Signature Required		

Signature image is available. In order to view image and detailed information, the shipper or payor account number of the shipment must be provided.

Shipping Information:

Tracking number:	546221780360	Ship date:	May 29, 2013
		Weight:	0.5 lbs/0.2 kg

Recipient:
SANTA BARBARA, CA US

Shipper:
Oakland, CA US

Reference 9032-006

Thank you for choosing FedEx.



December 3, 2013

Dear Customer:

The following is the proof-of-delivery for tracking number **546221781610**.

Delivery Information:

Status:	Delivered	Delivered to:	Receptionist/Front Desk
Signed for by:	.MEDINA	Delivery location:	FOR ANGELES CHEMICAL CO INC SANTA BARBARA, CA 93101
Service type:	FedEx Priority Overnight	Delivery date:	Dec 2, 2013 09:13
Special Handling:	Deliver Weekday Direct Signature Required		

Shipping Information:

Tracking number:	546221781610	Ship date:	Nov 27, 2013
		Weight:	0.5 lbs/0.2 kg

Recipient:

Bret A. Stone, Esq.
Paladin Law Group LLP
for Angeles Chemical Co., Inc.
21 E. Carrillo St.
SANTA BARBARA, CA 93101 US

Reference**Shipper:**

Omega
Toeroek Associates, Inc.
1300 Clay Street
Suite 450
Oakland, CA 94612 US
9063-006

Thank you for choosing FedEx.